

# Derek Smith Law Group, PLLC

August 26, 2016

**VIA ECF**

Hon. Arthur D. Spatt, U.S.D.J.  
U.S. District Court for the Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

**Re: Battaglia v. Garden City Caterers, Inc. et al  
No. 2:16-cv-04322-ADS-AKT**

Dear Judge Spatt:

Please be advised that I represent the Plaintiff in the above action.

As Your Honor is aware, yesterday Your Honor issued the Initial Conference Scheduling Order and scheduled the conference for October 26, 2016. However, I have a previously scheduled settlement conference in the Southern District of New York on that day and will be unable to attend the conference as scheduled. We respectfully request that Your Honor reschedule the October 26, 2016 Initial Conference to whichever day is most convenient for Your Honor. During that week, I am available October 24, 25, 27, and 28. If Your Honor would like to us to provide more availability, I would be happy to do so.

Thank you for the Court's attention to this matter.

Respectfully submitted,

DEREK SMITH LAW GROUP, PLLC

/s/Zack Holzberg  
Zack Holzberg